

Attachment #2

EXPRESS TERMS
OF
PROPOSED BUILDING STANDARDS
OF THE
STATE FIRE MARSHAL (SFM)

REGARDING THE ADOPTION OF PROPOSED AMENDMENTS
TO THE 2006 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 26, PART 2

RELATING TO DETAILED REQUIREMENTS BASED
ON USE IN GROUP R, DIVISION 1 AND
GROUP R, DIVISION 3 OCCUPANCIES

Legend for Express Terms:

1. The proposed SFM amendments are shown as *Italic font* and underlined.
 2. The repealed text is shown as a single ~~strikeout~~.
-

CBC CHAPTER 4

SPECIAL DETAILED REQUIREMENTS BASED
ON USE AND OCCUANCY

SECTION 419
FAMILY DAY-CARE HOMES

419.1. Scope. *The provisions of this section shall apply to occupancies defined herein as Family Day Care Homes.*

419.2 Definitions. *(CBC 205) The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.*

DAYCARE. *[For SFM] **DAYCARE.** The care of persons during any period of a 24-hour day where permanent sleeping accommodations are not provided.*

NOTE: "Daycare" shall not be construed to preclude the use of cots or mats for napping purposes, provided all employees, attendants and staff personnel are awake and on duty in the area where napping occurs.

DAY-CARE HOME, LARGE FAMILY. A provider's own home which is licensed to provide day care for periods less than 24 hours per day for nine to 14 persons, including children under the age of 10 years who reside at the home.

DAY-CARE HOME, SMALL FAMILY. A home which provides family day care to eight or fewer children, including children under the age of 10 years who reside at the home, in the provider's own home, for periods of less than 24 hours per day. Small family day-care homes are exempted from state fire-and-life safety regulations other than those state and local standards applicable to Group R, Division 3 Occupancies. [See Health and Safety Code, Section 13143 (b)]

Purpose/Rationale:

Definitions currently exists in the 2001 CBC and has been identified as a statutory requirement to be carried forward .They have been added to reflect clear designation of occupancies.

419.3 [For SFM] Large Family Day-Care Homes.

419.3.1 (310.15.1) For purposes of clarification, Health and Safety Code Section 1597.46 is repeated.

(a) A city, county, or city and county shall not prohibit large family day care homes on lots zoned for single-family dwellings, but shall do one of the following:

(1) Classify these homes as a permitted use of residential property for zoning purposes.

(2) Grant a nondiscretionary permit to use a lot zoned for a single-family dwelling to any large family day care home that complies with local ordinances prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to such homes, and complies with subdivision (d) and any regulations adopted by the State Fire Marshal pursuant to that subdivision. Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise level generated by children. The permit issued pursuant to this paragraph shall be granted by the zoning administrator, if any, or if there is no zoning administrator by the person or persons designated by the planning agency to grant such permits, upon the certification without a hearing.

(3) Require any large family day care home to apply for a permit to use a lot zoned for single-family dwellings. The zoning administrator, if any, or if there is no zoning administrator, the person or persons designated by the planning agency to handle the use

permits shall review and decide the applications. The use permit shall be granted if the large family day care home complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to such homes, and complies with subdivision (d) and any regulations adopted by the State Fire Marshal pursuant to that subdivision.

Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise levels generated by children. The local government shall process any required permit as economically as possible, and fees charged for review shall not exceed the costs of the review and permit process. Not less than 10 days prior to the date on which the decision will be made on the application, the zoning administrator or person designated to handle such use permits shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100 foot radius of the exterior boundaries of the proposed large family day care home. No hearing on the application for a permit issued pursuant to this paragraph shall be held before a decision is made unless a hearing is requested by the applicant or other affected person. The applicant or other affected person may appeal the decision. The appellant shall pay the cost, if any of the appeal.

(b) A large family day care home shall not be subject to the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

(c) Use of a single-family dwelling for the purposes of a large family day care home shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 (State Housing Law), or for purposes of local building and fire codes.

(d) Large family day care homes shall be considered as single-family residences for the purposes of the State Uniform Building Standards Code and local building and fire codes, except with respect to any additional standards specifically designed to promote the fire and life safety of the children in these homes adopted by the State Fire Marshal pursuant to this subdivision.

Purpose/Rationale:

This statutory requirement currently exists in the 2001 CBC and has been identified to be carried forward. The requirement was placed in **the IBC under** Chapter 4 to assist with the enforcement of special detailed requirements by fire prevention staff.

419.4 (CBC 310.15.2) Smoke Alarms. *For smoke alarm requirements in Large family day-care homes, see section 907.2.10.5 The number and placement of smoke alarms shall be determined by the enforcement authority as per section 907.2.10.1.2.*

Purpose/Rationale:

General requirement statement added to Chapter 4 regarding smoke alarm requirements. Section 310.15.2 currently exists in the 2001 CBC and has been identified as a statutory requirement to be carried forward, with language being added in Chapter 9. User will be directed to new IBC section 907.2.10.5.

419.5 (310.15.3) Fire Extinguishers. *Large and small family day-care homes shall be equipped with a portable fire extinguisher as per Section 906.1*

Purpose/Rationale:

General statement added to Chapter 4. Current CBC Section 310.15.3 is addressed in IBC Section 906 and demonstrates an equivalent level of safety, and doesn't need to be carried forward

419.6 (310.15.4) Manual fire alarm boxes.

Manual fire alarm boxes shall be installed in accordance with Section 907.3.

Purpose/Rationale:

IBC Chapter 9 is consistent with statutory requirements as stated in CBC Section 310.15.4

419.7 (CBC 305.2.3) Special provisions. *Rooms in Divisions 1 and 2 Occupancies used for ~~[for SFM] day-care purposes, kindergarten, first- or second-grade pupils,~~ and **Group R**, Division 3 Occupancies used as large family day-care homes shall not be located above or below the first story.*

EXCEPTIONS: *1. Basements or stories having floor levels located within 4 feet (1219 mm), measured vertically, from adjacent ground level at the level of exit discharge, provided the basement or story has exterior exit doors at that level.*

2. In buildings equipped with an automatic sprinkler system throughout, rooms used for ~~kindergarten, first- and second-grade children or for day-care purposes~~ may be located on the second story, provided there are at least two exterior exit doors for the exclusive use of such occupants.

3. Division 3 Occupancies may be located above the first story in

buildings of Type I-A, II-A and III-A construction ~~and in Types II-F.R., II One-hour and III One-hour construction,~~ subject to the limitation of Section 503 when:

3.1 Division 3 Occupancies with children under the age of seven or containing more than 12 children per story shall not be located above the fourth floor; and

3.2 The entire story in which the day-care facility is located is equipped with an approved manual fire alarm and smoke-detection system. (See the Fire Code.) Actuation of an initiating device shall sound an audible alarm throughout the entire story. When a building fire alarm system is required by other provisions of this code or the Fire Code, the alarm system shall be connected to the building alarm system.

An approved alarm signal shall sound at an approved location in the day-care occupancy to indicate a fire alarm or sprinkler flow condition in other portions of the building; and

3.3 The day-care facility, if more than 1,000 square feet (92.9 m²) in area, is divided into at least two compartments of approximately the same size by a smoke barrier with door openings-protected by smoke- and draft-control assemblies having a fire-protection rating of not less than 20 minutes. Smoke barriers shall have a fire-resistive rating of not less than one hour. In addition to the requirements of Section 302, occupancy separations between Division 3 Occupancies and other occupancies shall be constructed as smoke barriers. Door openings in the smoke barrier shall be tight fitting, with gaskets installed as required by Section 715.3.5.3, and shall be automatic closing by actuation of the automatic sprinklers, fire alarm or smoke-detection system. Openings for ducts and other heating, ventilating and air-conditioning openings shall be equipped with a minimum Class I, 250 F(121 C) smoke damper as defined and tested in accordance with approved recognized standards. See Chapter 35, Part IV. The damper shall close upon detection of smoke by an approved smoke detector located within the duct, or upon the activation of the fire alarm system; and

3.4 Each compartment formed by the smoke barrier has not less than two exits or exit-access doors, one of which is permitted to pass through the adjoining compartment; and

3.5 At least one exit or exit-access door from the Division 3 Occupancy shall be into a separate means of egress as defined in Section 1013; and

3.6 The building is equipped with an automatic sprinkler system throughout.

Purpose/Rationale:

Statutory provision that currently exists in 2001 CBC but is not present in IBC. Limits the use of day-care facilities above or below the first story, except under specified conditions that will provide a reasonable level of fire and life safety comparable with existing CBC. Language is carried forward and placed in new section found in Chapter 4. Remainder of statutory text has been deleted, equivalent provisions are addressed in Chapter 5 of 2006 IBC.

419.7.1 (CBC 310.15.5 [For SFM] Every large family day-care home shall comply with the provisions for Group R, Division 3 Occupancies and, if appropriate, Section 305.2.3. For the purposes of Section 305.2.3 419.7, the first story shall be designated as the floor used for residential occupancy nearest the street level which provides primary access to the building.

Enforcement of these provisions shall be in accordance with the Health and Safety Code Sections 13145 and 13146. No city, county, city and county, or district shall adopt or enforce any building ordinance or local rule or regulation relating to the subject of fire and life safety in large family day-care homes which is inconsistent with those standards adopted by the state fire marshal, except to the extent the building ordinance or local rule or regulation applies to single-family residences in which day care is not provided.

Purpose/Rational:

Statutory provision addresses current CBC provisions as per the Health and Safety Code, and are not currently specified in IBC. To be carried forward and placed in Section 419.

419.8 (CBC 310.12) Special Hazards. [SFM] Every un-enclosed gas-fired water heater or furnace which is within the area used for child care in a large family day-care home shall be protected in such a way as to prevent children from making contact with those appliances.

~~Exception: This does not apply to kitchen stoves or ovens.~~

Purpose/Rationale:

(SFM) This is a non-statutory SFM provision in the current CBC section 310.12 and is considered to be necessary to carry over this safeguard into the 2006 IBC. This provision addresses a potential and significant hazard inasmuch as many large family day-care homes occur within existing single family homes in which unprotected furnaces and water heaters may occur within rooms utilized by the children receiving care.

419.9 (CBC 1010) Allowable Locations-Means of Egress.

~~Every story or basement of a large family day-care home shall be provided with two exits which are remotely located from each other. Every required exit shall be of a size to permit the installation of a door not less than 32 inches (813 mm) in~~

~~clear width and not less than 6 feet 8 inches (2,032 mm) in height. A manually operated horizontal sliding door may be used as one of the two required exits.~~

[SFM] Where basements are used for day-care purposes, one of the two required exits shall provide access directly to the exterior without entering the first story. The second exit from the basement may either pass through the story above or exit directly to the exterior.

Rooms used for day-care purposes shall not be located above the first story.

EXCEPTION: Buildings equipped with an automatic sprinkler system throughout and which have at least one of the required exits providing access directly to the exterior. NFPA 13R may be used in large family day-care homes. Section 2-6 of NFPA 13R shall not apply unless approved by the authority having jurisdiction.

~~Exit doors, including manually operated horizontal sliding doors, shall be openable from the inside without use of a key or any special knowledge or effort.~~

~~Table 10-A is not applicable to this occupancy classification.~~

Purpose/Rationale:

This provision exists in 2001 CBC and equivalent language is found in 2006 IBC Chapter 10. Text is deleted, remaining statutory language is carried forward and has been placed in Chapter 4 to facilitate proper enforcement by enforcement officials. CBC Table 10-A is deleted, reference IBC Table 1018.1 for exit requirements.